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101ST CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
101-199

TRANSFERS OF INSTRUMENT LANDING SYSTEMS TO THE FEDERAL AVIATION ADMINISTRATION

JULY 31, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. ANDERSON, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 3025]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 3025) to authorize transfers of instrument landing systems to the Federal Aviation Administration, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BACKGROUND ON INSTRUMENT LANDING SYSTEMS

An Instrument Landing System (ILS) is a device that projects an invisible electronic beam from the end of a runway straight out along an aircraft's landing approach. By following an instrument on the plane's dashboard, a pilot can maneuver the plane down the beam to a safe landing. The instrument constantly indicates whether the plane is too high, too low, or too far to either side. The installation of an ILS at an airport allows aircraft to land there even when the weather is bad and the pilot cannot see the runway. It therefore increases both the safety and the usage of the airport.

Although the Committee is committed to developing and implementing Microwave Landing Systems (MLS) to replace ILS's, this technology will not be widely available for several years. In the interim, several airports need ILS's for either new or upgraded runways. Accordingly, the Committee has supported the purchase of ILS's during this transition period from ILS to MLS technology.

LEGISLATIVE BACKGROUND

On December 30, 1987, the Airport and Airway Safety and Capacity Expansion Act of 1987 (P.L. 100-223) was enacted. Among other provisions, this Act amended section 506(a) of the Airport

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and Airway Improvement Act of 1982 (49 U.S.C. app. 2205) to direct the Federal Aviation Administration (FAA) to obligate money for the purpose of purchasing and installing instrument landing systems (ILS's) at airports. Under this provision, the FAA was authorized to obligate this money out of the facilities and equipment (F & E) account. The effect of authorizing the money out of this account is that the systems would be entirely funded by the FAA as well as operated and maintained by that agency.

However, in the fiscal year 1987, 1988, and 1989 Transportation Appropriation Acts, money was appropriated for the purchase of ILS's at several airports from the Airport Improvement Program (AIP) account rather than the F & E account. As a consequence of this funding vehicle, airports had to pay part of the cost of their ILS and will now have to bear the burden of operating and maintaining those systems. This was clearly unintentional. In fact, the Report of the House Appropriations Committee states, and the Conference Report affirms that, "funds are for the purchase of ILS hardware. All other installation and related equipment costs should be funded by the FAA through the other appropriate agency accounts as historically has been the case. Moreover, the Committee expects that the FAA will provide the necessary funds to cover future costs associated with the operation, maintenance and logistic support for such equipment." (House Report 100-691)

The reported bill would correct the problem of the operation and maintenance of those systems. It would do this by transferring the ownership of about 20 ILS's funded under AIP during the past three fiscal years from the sponsor airports to the FAA. Under the legislation, the sponsor airport has the discretion whether to turn its ILS over to the FAA but, if it chooses to do so, the FAA must accept this equipment and operate and maintain it.

NEED FOR THIS LEGISLATION

The FAA operates and maintains all ILS's which are funded under the F & E account. FAA personnel are usually on-site to perform these functions and have the experience of owning, operating, and maintaining nearly all ILS's at U.S. airports. If an airport needs to hire a private contractor, the cost due to a loss of economy of scale would be significant. For example, the FAA maintains all six ILS's on Memphis runways. A proposed upgrade with AIP funds of one ILS from Category I to Category III would mean that five ILS's would be owned, operated and maintained by the FAA, while the sixth ILS would be owned and the operation and maintenance funded by the airport authority. Another example is the Nashville airport which is installing two ILS's on a new runway. The FAA already owns, operates, and maintains four ILS's at Nashville. There should be only a small incremental additional cost if the same people who are maintaining the four ILS's are used to maintain the additional two. It makes little sense to bring in a private contractor to maintain these other two.

Private contractors may not always have the qualifications or experience comparable to the FAA for the operation and maintenance of ILS's. Although they often supply and install the systems, the private contractors only infrequently provide operations and

maintenance. Particularly at airports with increasing capacity and safety concerns, the operation and maintenance of these systems should be in the hands of well-trained and experienced FAA personnel.

The use of private contractors raises security concerns for the airports as well. Operation and maintenance of ILS's require access to the FAA-owned control towers and strictly secured airport areas. These are high security areas whose security would possibly be compromised by the use of non-FAA personnel.

The FAA has endeavored to own and control all components of the National Airspace System (NAS). The FAA and the Congress have opposed efforts which would threaten the integrity of the system.

COMMITTEE ACTION AND VOTE

With respect to clause 2(l)(2)(A) and (B) of rule XI of the Rules of the House of Representatives, the Committee with a majority present, favorably reported H.R. 3025 by a voice vote on July 28, 1989.

OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause (2)(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that no report has been received from the Subcommittee on Investigations and Oversight on the subject matter.

With respect to clause (2)(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

CONGRESSIONAL BUDGET ACT REQUIREMENTS

With respect to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, and in compliance with section 308(a) of the Congressional Budget Act of 1974, the Committee reports that H.R. 3025, as reported by the Committee, does not create new budget authority and does not create new or increased tax expenditures.

With respect to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee reports that due to the need for urgent consideration, there was not sufficient time to receive a report from the Congressional Budget Office under Section 403 of the Congressional Budget Act of 1974. It is the Committee's intent to insert that report in the Congressional Record as soon as it is received.

INFLATIONARY IMPACT ANALYSIS

With respect to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee reports that there should be no inflationary impact on prices and costs in the operation of the national economy by enactment of H.R. 3025.

COST ESTIMATE OF LEGISLATION

With respect to clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that H.R. 3025 would result in costs to the Federal Government of less than $1 million per year.

With respect to clause 7(A)(2) of rule XIII of the Rules of the House of Representatives, the Committee reports that no cost estimate of H.R. 3025 was submitted to the Committee by a government agency but the Committee has concluded on the basis of consultation with knowledgeable officials that it will cost about $30,000 per year to operate and maintain an ILS. However, this may be reduced by economies of scale as discussed above.

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